

APPROVED: Meeting No. 10-81

ATTEST: *[Signature]*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 8-81

March 16, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, March 16, 1981, at 8:05 p.m.

PRESENT

Mayor pro tem Phyllis Fordham

Councilman Abrams

Councilman John Tyner

ABSENT

Mayor William E. Hanna, Jr.
(on travel leave)

Councilman John Freeland

The Mayor pro tem in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Director of Community Development Douglas Horne; Director of Finance John Lawton; Director of Community Resources Bert Drayton; Chief of Police Jared Stout.

Re: City Manager's Report

Mr. Blick reported the following:

1. The 1982 proposed budget and the 1982-1987 proposed capital improvement program will be presented to the Mayor and Council on April 13. Public Hearings will be held approximately 30 days later.

2. The Historic Preservation Action Plan is now available to the public. Meetings will be held with various involved groups and a public hearing will be held on May 27 by the Planning Commission. A resolution will then be adopted approving all or part of it as an amendment to the City's Master Plan.

3. This past week, WMATA advertised the B&O Railroad Station for sale. According to the advertisement, there will be an April 30 bid opening. The City will be following up on this project with WMATA to see that it accomplishes the City's goals.

Mayor pro tem Fordham introduced Mr. Allan Alexander a lecturer on Politics from Reading, England who is doing research in this country on the council/manager type government. She presented Mr. Alexander with a key to the City.

Re: Award of Contract: Bid No. 35-81,
Fallsbend Water and Sewer

Bids were opened in the Council Chambers, City Hall at 3:00 p.m., Tuesday, March 10, 1981, for the extension of water and sewer mains and laterals in Fallsbend Subdivision. This contract is for the installation of 2345 lineal feet of 8-inch sewer main, 1685 lineal feet of sewer laterals, 2620 lineal feet of 4, 6 and 8-inch water main and appropriate laterals and appurtenances in Rock Falls Court and Bettstrail Way in Fallsbend subdivision. The construction of water and sewer services for the subdivision will be funded by special assessment.

Nineteen contractors received plans and specifications and eleven contractors submitted bids as follows:

Calcon Company, Inc., Gaithersburg, Maryland	\$130,137.00
Lopez Construction Co., Inc., Bladensburg, Maryland	134,948.00
DiMeglio Construction, Hyattsville, Maryland	136,390.00
W.F. Wilson & Sons, Inc., Ellicott City, Maryland	147,317.75
Ennis & Son, Inc., Camp Springs, Maryland	151,712.00
Rapp Contracting, Inc., Beltsville, Maryland	158,128.00
San-Dot, Inc., Union Bridge, Maryland	171,140.50
Tribble Construction, Inc., Fairfax, Virginia	178,419.00
Underground Construction Co., Fairfax, Virginia	211,946.00
Nazario Construction Co., Inc., Beltsville, Maryland	233,648.00
Pleasant Excavating Co., Inc., Clarksburg, Maryland	258,268.50

Engineer's Estimate	\$181,000.00
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Staff recommendation is that the Mayor and Council award a contract to Calcon Company, Inc., in the amount of their low bid of \$130,137.00.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 35-81, Fallsbend water and sewer was awarded to the Calcon Company, the low bidder, in the amount of \$130,137.00.

Re: Resolution to Approve the sale of
property located at the intersection
of Jefferson Street and Rockville
Pike, Parcel 4a L. Baier

Resolution No. 7-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 7-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, approving the sale of property at the intersection of Jefferson St. and Rockville Pike, was adopted by the Mayor and Council.

Re: Resolution: To approve the sale of property located at the intersection of Stonestreet Avenue and Baltimore Road - WMATA

Resolution No. 8-81

Councilman Tyner asked the status of the Frederick Road pedestrian overpass. The City Manager said WMATA has given a construction go ahead as the City recommended and the project will be built soon.

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 8-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, approving the sale of property at the intersection of Stonestreet and Baltimore Road, was adopted by the Mayor and Council.

Re: Selection of Consultant for Water Impoundment Lake

This site is located approximately 2,000 feet north of Montrose Road and just east of I-270. The site contains a total of 38 acres which includes 28 acres for storm water management with the additional acres to be used for future recreational purposes. The staff has proceeded with a selection process for a consultant to prepare the design for the lake project, exclusive of the recreation amenities. The total estimated project cost is \$4,204,553 which sum includes an allowance for design, land value, construction and recreation amenities. The portion of this sum related to the storm water management facility is \$2,200,000, with the remaining costs associated with the additional land and facilities called for under the recreation program.

The entire cost of the storm water management facilities will be paid for from the special storm water management fund created from developers contributions. As of December 1980 the fund contained approximately \$831,833.00 with an additional \$271,317.00 of scheduled income based on previously approved site development plans. In addition, projected income through FY 87 will add \$4,391,850 to the fund.

The consultant selection criteria emphasized the importance of a creative approach to the design concept which would blend a functional SWM facility with the aesthetic, artistic and recreational objectives of the community.

The firms submitting proposals and their prices are:

Greenhorne & O'Mara (Greenbelt)	\$45,500
Johnson-McCordic & Thompson (Silver Spring)	86,400
Patton, Harris, Rust & Guy (Rockville)	99,300

It should be noted that Greenhorne & O'Mara's (G&O) original proposal was in the amount of \$38,800, but was increased as a result of the approaching season, which will make the required surveying services more difficult.

It is the recommendation of the selection committee that Greenhorne and O'Mara's proposal be accepted in the amount of \$45,500. It is further recommended that the Mayor and Council authorize the City Manager to execute a formal agreement covering the fee and service.

Councilman Tyner noted the disparity in the bids and asked if there will be a penalty clause inserted in the document for lack of completion in time due to this. The City Manager noted that the firm has done work in the past for the City and all that work has been of high quality. Mr. Morningstar agreed and said although the City had reservations the staff members met with the consultants and went over the proposal and gave them the opportunity to review and withdraw their quote, but they assured the staff that the figure could be met.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Greenhorne and O'Mara proposal was accepted in the amount of \$45,500 and the City Manager was authorized to execute the agreement.

Re: Introduction of Ordinance: To
grant Map Amendment M-26-80

On motion of Councilman Abrams, there was introduced upon the table an ordinance to grant map amendment application, M-26-80, D. Howard, Applicant, said ordinance to lay over one week before final action is taken.

Re: Introduction of Ordinance: To
Grant Text Amendment Application,
T-40-80, Mayor & Council Applicant

On motion of Councilman Tyner, there was introduced upon the table an ordinance to grant text amendment application, T-40-80, Mayor and Council, applicant, said ordinance to lay over at least one week before final action is taken.

Re: Citizen's Forum

The Mayor pro-tem Fordham opened the meeting to those citizens who wished to address the Mayor and Council.

1. Frances Schwartz, 5909 Holland Road. Mr. Schwartz complimented the Mayor and Council on the leaf mulch program and the availability of mulch behind

the Civic Center making it much more readily accessible to the citizens. He then noted an article that he read in a magazine saying that Rockville might turn over its water and sewer control to the Washington Suburban Sanitary Commission. He urged that this not be done. Mr. Schwartz was assured by the Mayor and Council that there were no plans by the City to do such. Mr. Schwartz then pointed out the error in judgment in a recent article concerning the drought and the water levels that were very low at the Occaquan Reservoir. He said he would not like to see the City of Rockville roped in by those people who do not know their facts.

2. Roald Schrack, 609 McIntyre Road. Mr. Schrack spoke to the Council on behalf of the United Church Center for Community Ministries and in his testimony he told the Council that the United Church Center thinks it is in the best interest of the City for the Mayor and Council to allow the conversion of homes for rental use. The Mayor and Council thanked Mr. Schrack for his statement.

3. Glenn Looper, 106 Wall Street. Mr. Looper read a letter to the Mayor and Council bringing to their attention a robbery at his premises and complimenting the efficient and timely efforts of Officers Waldt and Gavin of the City Police.

4. Lucille Hood. Ms. Hood spoke to the Council concerning dance and dance classes and the difficulties of art forms surviving when government interferes in the free enterprise system.

There being no other citizen wishing to be heard, the Mayor pro-tem closed the citizen's forum portion of the meeting.

Re: Report from Economic Development
Commission - L. Taylor, Chairman

Ms. Taylor read a statement to the Council noting the rapid period of economic growth and expansion in the City and making recommendations that included the conducting of a business forum and orientation program sponsored by the EDC, the publishing of a booklet for handout containing information for business that wish to locate in the City, an expanded use of the City's publicity releases, the use of the Economic Development Commission, itself, for promoting the Town Center, and several other recommendations as to length of service on the EDC. The Mayor and Council discussed the report with Ms. Taylor and asked that she work with the City Manager on the forum. Mayor pro-tem Fordham asked if the City can provide support to accomplish this by May 10. The City Manager said it can be done if the Economic Development Commission will identify what projects

need doing by the staff. It was agreed that their suggestions will be brought to the staff for implementation. The Mayor and Council thanked Ms. Taylor and the EDC for their work on behalf of the citizens.

Re: Status report on Denham/Woodburn
storm drainage

There are 27 lots in the block bounded by Baltimore Road (S), Denham Road (W), Edmonston Drive (N), and Woodburn Road (E). The north approximately one-third of the block is drained, though inadequately, by 12" and 21" pipes. Storm water then flows north and then east in a ditch along Route 28 to Rock Creek.

For nearly 20 years some residents have reported water standing in their yards due to both poor drainage in the block and also to springheads on some lots.

Staff recommends a meeting be called to explain to the residents facts about the problem and offer technical assistance in solving individually the water problems which homeowners have. Through correspondence and at that meeting, staff would also inform the residents of the City's CDBG loans and grants program. Correcting the water problems would be considered a critical code deficiency, and therefore receive high priority for funding.

Councilman Tyner expressed his disappointment with the small number of residents interested in the project. Mayor pro-tem Fordham suggested that those citizens be invited to a meeting in the Council Chamber with the staff and with the Mayor and Council present to see if a permanent solution can be reached. It would seem that this project is a recurring problem and should once and for all be taken care of. She asked the City Manager to give the names of those contacted to Councilman Tyner. The meeting will be scheduled at a later date.

Re: Housing Issues

A. Report on Apartment Conversion

The Council discussed the report given on home conversions to the Council from the staff and attempted to answer some of the questions that might arise. Councilman Tyner questioned the legality of allowing the program only to those owner-occupied homes. The City Attorney said that his staff had not yet given final opinion. He is afraid it might violate the equal protection law that insists regulations be uniform throughout the zoning ordinance and apply to all people.

Councilman Abrams asked why the staff had excluded townhouses. Mr. Duffy explained that it was the staff's feeling that sufficient density already exists in townhouse zoning. Councilman Abrams suggested townhouse construction might be more amiable to limiting the program to a certain radius of transit zones. Councilman Tyner noted that most of the transit zones are encircled by R-60 zoning and the staff has suggested that it be in R-90 or above. Councilman Abrams asked if the staff had received any comments on the potential demand. Mr. Duffy said not one call had been received. The staff was asked if other jurisdictions had been contacted for their success ratio. This has yet to be done. Mayor pro-tem Fordham noted that it would seem that many of the issues can be worked out but at this time the Council is only working on enabling legislation and this must be stressed. The people will be allowed to do as they wish. She noted the references to senior citizens and added that there are many other people that need housing also. The divorced population for instance needs homes. She asked that the staff look into other areas of the country. Councilman Abrams suggested that one area of the City be designated as a trial area. He asked for the staff's recommendation on what areas should be used. Mayor pro-tem Fordham said a meeting should be called with the Civic Associations and with the Rockville Civic Federation. She would like to see answers from the attorney's office as to the legality of the program. She asked that the staff work with the civic associations in the next month and get back to the Council with more information.

B. Review of draft Occupancy Permit Ordinance

It was the feeling of the Council that a good deal of work has been done by the staff and now would be a good time to get the opinion of the public. It was agreed by the Council that a public hearing on April 27 would give sufficient time for publicizing the hearing.

On motion of Councilman Abrams, there was introduced upon the table an ordinance that would add a new Chapter 23 to the Laws of Rockville requiring occupancy permits under certain circumstances and to prohibit conveyance of occupancy of certain property without first obtaining an occupancy permit and for providing for the administration and enforcement thereof and to establish penalties for violations thereof. The public hearing on the ordinance will be held on April 27.

Re: Work Session on Public Safety

The Mayor and Council conducted a question and answer period with the Chief of Police. Chief Stout referred to his statistics showing that serious crime is down 6 to 7 percent; however, the rate at which crimes are being solved is also down due to the lack of investigative powers. It was the feeling of the Council that a work session should be held with other groups. The Council set a date of April 20 so that a meeting could be held with the police, business groups and civic associations. Mayor pro-tem Fordham suggested that the major topic be what increase is wanted in the numbers or types of service in the City. It will be an effort to ascertain whether people are more concerned with burglary or traffic. Councilman Tyner asked if Chief Stout would provide him with the number of hours spent on the different types of work, the types and frequency of calls and the career incentives program. These materials need not be for the work session but for budget deliberations. Mayor pro-tem Fordham agreed and also asked for salary comparison of Rockville with other jurisdictions.

Mayor pro-tem Fordham noted that the Mayor and Council are most pleased with the number of things the police are doing and the coordination with Montgomery County is excellent. The continuing education program is a success and the control of speeding in the City as a whole has improved now since the Mayor and Council have received complaints about tickets instead of speeding. She said the Mayor and Council is delighted with the job the police department is doing and expects a good work session on April 20 with members of the community.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Vincent W. Kisich, re dogs on the loose
2. WMATA, response to Mayor's letter re commuter facilities

Councilman Abrams said he had hoped for a better response and suggested that the City Manager recontact WMATA and let them know of the need for an enclosure. Mayor pro-tem Fordham agreed and asked that a thank you letter be sent for the walk way.

3. State Department of Assessments and Taxation re Constant Yield Tax Rate.

Re: Information Items

The Mayor and Council noted the following information items:

1. Copy of letter complimenting City employee
2. Notice of Civic Federation Meeting
3. Memo from Director of Planning to CM (3/2-4) re Plan Amendments

4. Memo from Director of Planning to CM (3/5) re Non-residential Uses
Councilman Tyner noted the date of April 18 for a public forum with the Planning Commission did not seem to give a good deal of time. Mr. Davis said it would be held two weeks after that.
5. Memo to CM from CDHA re Housing Authority Tenant Activities
6. Line up for Rockville Day - 5/3/81

Re: New Business

1. Councilman Tyner said that he had met with the Board of Supervisors of Elections and discussed areas where technical changes are needed in the Election Ordinance. A memorandum will be coming from them noting the changes needed along with suggestions for a Code of Ethics. Mayor pro-tem Fordham asked that it be placed on the Mayor and Council's agenda when ready so that it can be implemented speedily.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:10 p.m. to convene again in general session on Monday, March 23, 1981, at 8:00 p.m. or at the call of the Mayor.